

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WORCESTER DIVISION

C.A. No. 4:09-cv-40041

**SAMUEL CHENG,**  
Plaintiff/Defendant-in-Counterclaim

v.

**SUNOCO, INC. (R&M)**  
Defendant/Plaintiff-in-Counterclaim

**NOTICE OF SUGGESTION OF BANKRUPTCY**

Defendant Sunoco, Inc. (R&M) (hereinafter "Sunoco") hereby submits this Notice of Suggestion of Bankruptcy. On or about March 10, 2005, Plaintiff Samuel Cheng (hereinafter "Mr. Cheng") filed a Bankruptcy Petition under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Massachusetts (Bankruptcy Case No. 05-11721). Due to the fact that trial in this matter is set to begin on April 4, 2011, Defendants are preparing an Emergency Motion to Dismiss based on this fact and will be filing the same by the end of business on March 21, 2011.

Respectfully Submitted,  
SUNOCO, INC. (R & M),  
By its Attorneys,

/s/ Michael E. Levinson  
John B. Reilly (BBO#545576)  
Michael E. Levinson (BBO#666108)  
John Reilly & Associates  
100 North Main Street, 4<sup>th</sup> Fl.  
Providence, RI 02903  
Tel: (401) 272-2800  
Fax: (401) 272-2811

**CERTIFICATION**

It is hereby certified that on the 21<sup>st</sup> day of March, 2011, a true copy of the within was filed electronically and it is available for viewing and downloading from the ECF system. The following counsel of record will receive notice of the filing of this document electronically from the United States District Court for the District of Massachusetts:

**Nathaniel D. Pitnof, Esq.**  
100 Grove Street, Suite 311  
Worcester, Massachusetts 01605

/s/ Michael E. Levinson

Michael E. Levinson